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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

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TOMMIE SEYMORE

Plaintiff,

v.

Sgt. FERGUSON,

Defendant.

**" NEW FILING "**

Case: 2:20-cv-13269  
Judge: Parker, Linda V.  
MJ: Whalen, R. Steven  
Filed: 12-01-2020 At 12:12 PM  
PRIS TOMMIE SEYMORE V FERGUSON (SS)

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Tommie Seymore (#213863)  
Plaintiff, pro per  
G. Robert Cotton Correctional Facility  
3500 N. Elm Rd.  
Jackson, MI 49201

Sgt. Ferguson  
Defendant, pro per  
G. Robert Cotton Corr.  
3500 N. Elm Rd.  
Jackson, MI 49201

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**PLAINTIFFS' VERIFIED COMPLAINT AND JURY DEMAND**

NOW COMES, Plaintiff Tommie Seymore, pro per,  
bringing forth this Civil Rights Complaint pursuant to 42 U.S.C. § 1983,  
and in support of the instant action states as follows:

## **I Introduction**

1. Plaintiff Tommie Seymore ("Plaintiff"), is under the jurisdiction of the Michigan Department of Corrections (MDOC), and incarcerated at the G. Robert Cotton Correctional Facility (JCF), 3500 N. Elm Rd., Jackson, MI 49201.

2. On November 22, 2017, at approximately 6:30 p.m., Plaintiff made verbal complaints about the JCF Visiting Room conditions, specifically that there was no heat and the room presented frigid temperatures unbearable for parties within. <sup>1</sup> Temperature within the Visiting Room had been an issue of concern for months, raised by prisoners, visitors, and staff.

3. Sgt. Houtz shortly thereafter came into the Visiting Room to investigate and noted that there was obviously a heating problem. Per Michigan Department of Corrections ("MDOC") policy, prisoners and visitors are not permitted to wear coats or other environmental protective clothing in the Visiting Room.

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1. Plaintiff is mindful of the Statute of Limitations, however, the Complaint herein is filed from the "last act" and is timely.

4. On November 22, 2017, Sgt. Ferguson ("Defendant") entered the facility Visiting Room at approximately 8:40 p.m., and uttered to the Guard (Mrs. Lumbert), working the Visiting Room that Plaintiff was complaining about the frigid temperature of the room.

5. Defendant Ferguson left the visiting room and returned immediately thereafter yelling and threatening to terminate Plaintiff's visit. Defendant loudly exclaimed: "I am just giving you a warning at this time." <sup>2</sup> Defendant was using MDOC policy as a backdoor means of punishment.

6. On November 22, 2017, Plaintiff filed a formal complaint (grievance) against Defendant's Ferguson's actions.

7. On December 4, 2017, at approximately 2:15 p.m., Attorney Keri L. Melkonian, who was appointed by a Federal Judge to represent Plaintiff, sought to visit Plaintiff. Counsel was forced to wait an hour and 45 minutes, even though Plaintiff was timely called and reported. JCF

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2. According to MDOC policy, three (3) warnings issued within 30 days can lead to a visiting restriction being administratively issued. Three strikes and you're out. Defendant issued strike one and it was unfounded.

Operating Policy (OP), indicates a person should not have to wait over 30 minutes for a visit. Sgt. Ferguson was present in Control Center, and Plaintiff notified Defendant Ferguson about the unwarranted delay. Defendant Ferguson, as a supervisor, directly participated, encouraged, authorized and acquiesced in the wrongful acts.

8. Defendant Sgt. Ferguson spoke to Plaintiff about previously filing a grievance on him and made verbal threats, indicated Plaintiff thought he was: "slick, is a manipulator and was a problem...and has something for him."

9. On December 4, 2017, Plaintiff filed (two) complaints (grievances) 1) for threats made by Defendant Sgt. Ferguson, and 2). about Defendant Ferguson delaying Plaintiff's Attorney visit.

10. Defendant Ferguson's actions violate Plaintiff's Constitutional Rights upon which this action is brought and are secured to Plaintiff by and through the First Amendment of the United States Constitution. Plaintiff's cause of action is brought under 42 U.S.C. § 1983.

11. Defendant's actions also violate Michigan Compiled Law (MCL) 19.142. Defendant Ferguson clearly was annoying and harassing Plaintiff.

12. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331. Venue is proper because all the events in this controversy occurred in the judicial district.

## **II Parties**

13. Plaintiff Tommie Seyomore ("Seymore"), at all times hereto, was/is a prisoner incarcerated under the jurisdiction of the Michigan Department of Corrections (MDOC), and lodged at the G. Robert Cotton Correctional Facility (JCF), Jackson, Michigan 49201.

14. Defendant Sgt. Ferguson ("Ferguson"), was/is a prison guard working for Michigan Department of Corrections (MDOC), at the G. Robert Cotton Correctional Facility (JCF), Jackson, Michigan 49201.

## **III Individual Liability**

15. Defendant Ferguson is subject to liability where his respective actions are the legal cause of Plaintiff's Constitutional deprivation. Plaintiff has a right not to be retaliated against, threatened, annoyed or harassed, for his protected conduct. The direct result of Defendant's actions is that he retaliated against Plaintiff for lodging complaints, and harassed him in violation of state and federal law. Defendant was acting under the

color of state law.

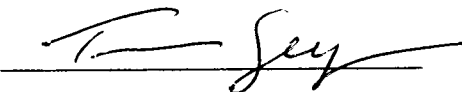
#### **IV Prayer for Relief**

16. Plaintiff humbly prays this Court will:

- (a) Declare the rights and privileges of each party;
- (b) Award compensatory damages in excess of \$10,000.00 to Plaintiff;
- (c) Award punitive damages in excess of \$25,000.00 to Plaintiff;
- (d) Grant injunctive relief if sought;
- (e) Award Attorney fees and costs;
- (f) Grant such other relief as the Court deems equitable.


#### **V Verification**

I, Tommie Seymore verify that the above matters are true from my personal knowledge and belief.

Signed: 

Date: 11-30-2020

Respectfully Submitted:

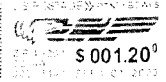
  
Tommie Seymore (#213863)  
Plaintiff, pro per  
3500 N. Elm Rd.  
Jackson, MI 49201

MR. TOMMIE SEYMORE 213863

G. Robert Cotton Correctional Fac.

3500 N. Elm St.

JACKSON, MICHIGAN 49201



12/1/20

new  
case

Ans

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